

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

MITLON KEITH BUNN, #13789-078

§

VS.

§

CIVIL ACTION NO. 2:18cv29

UNITED STATES OF AMERICA

§

ORDER OF DISMISSAL

Petitioner Milton Keith Bunn, a federal inmate confined at the Estill Federal Correctional Institution in South Carolina, brings this petition for a writ of *audita querela* based on an amendment to the sentencing guidelines. The petition was referred to United States Magistrate Judge Roy Payne for findings of fact, conclusions of law, and recommendations for disposition of the case.

On June 4, 2018, Judge Payne issued a Report, (Dkt. #4), recommending that Petitioner's petition be denied. Petitioner has filed timely objections, (Dkt. #8). The Court has conducted a careful *de novo* review of the record and the Magistrate Judge's Report. *See* 28 U.S.C. § 636(b)(1) (District Judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendation to which objection is made."). Upon such *de novo* review of the record, Petitioner's objections, and the Assistant United State Attorney's reply to those objections, the Court finds that Judge Payne's Report is correct and Petitioner's objections are without merit. Accordingly, it is


**ORDERED** that the Report of the United States Magistrate Judge, (Dkt. #4), is **ADPOTED** as the opinion of the District Court. Petitioner's objections, (Dkt. #8), are overruled. It is also

**ORDERED** that the above-styled petition is **DENIED**. Finally, it is

**ORDERED** that any and all motions which may be pending in this action are hereby **DENIED**.

**So Ordered this**

Feb 18, 2019

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE